

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:

STACEY & ERICA TINDALL
SSN: XXX-XX-5053/7210
217 IVY BEND CIRCLE
CLARKSVILLE, TN 37043

Debtors.

)
)
) CHAPTER: 13
) CASE NO.: 15-05917
) JUDGE: HARRISON
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)
)

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: OCTOBER 5, 2018.
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: OCTOBER 17, 2018, at 8:30 a.m. in
Courtroom 1, Customs House, 701 Broadway, Nashville, TN 37203.

NOTICE OF MOTION TO MODIFY PLAN

Counsel for Debtors has asked the court for the following relief: To modify plan payments to a lower amount.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>.**

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: US Bankruptcy Court, 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state that the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding is.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at www.tnmb.uscourts.gov.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

Date: September 14, 2018

Signature: /s/ MARY BETH AUSBROOKS
Name: Mary Beth Ausbrooks
Address: 1222 16th Avenue South, Suite 12
Nashville, TN 37212-2926

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:)		
)	CHAPTER:	13
STACEY & ERICA TINDALL)	CASE NO.:	15-05917
SSN: XXX-XX-5053/7210)	JUDGE:	HARRISON
217 IVY BEND CIRCLE)		
CLARKSVILLE, TN 37043)		
)		
Debtors.)		

MOTION TO MODIFY PLAN

COME THE DEBTORS, through counsel, Rothschild and Ausbrooks, PLLC, and would move to modify this plan and in support of this motion would state as follows:

1) The Debtors received authorization to sell their property located at 3364 Melissa Lane, Clarksville, TN 37042, and received authorization from the Trustee to purchase property located at 217 Ivy Bend Circle, Clarksville, TN 37043. The Debtors' current plan includes a continuing monthly mortgage payment to Planet Home Lending, which has now been paid in full from the sale of the home.

2) The Debtors seek to modify the Confirmation Order to reduce their monthly plan payment by removing the continuing monthly obligation owed to Planet Home Lending as they are now paying their current mortgage outside of the plan.

3) As a result of such modification, the Debtors' plan payments would be reduced from \$1,080.92 bi-weekly and \$590.00 monthly to \$806.00 bi-weekly and \$0.00 monthly. The plan length would remain 60 months from confirmation and the dividend to general unsecured creditors would remain 20%. The base would be reduced from \$175,900.00 to \$152,197.00 and the unsecured pool would remain \$8,550.00.

4) Debtors have attached an amended family budget in support of this motion which reflects the need for a modification.

5) The Debtors attended the Trustee's money management workshop on October 13, 2015.

Respectfully submitted,

/s/ Mary Beth Ausbrooks

Mary Beth Ausbrooks

ROTHSCHILD & AUSBROOKS, PLLC

Attorney for Debtor(s)

1222 16th Avenue South, Suite 12

Nashville, TN 37212

(615) 242-3996 (telephone)

(615) 242-2003 (facsimile)

notice@rothschildbklaw.com

CERTIFICATE OF SERVICE

I certify that on this 14th day of September, 2018, I served a copy of the foregoing in the following manner:

Email by Electronic Case Noticing to:

Asst. U.S. Trustee

Henry E. Hildebrand, III, Chapter 13 Trustee

By U.S. Postal Service, postage prepaid to:

To the Debtors at the address provided above.

By facsimile/email to:

Planet Home Lending, LLC by facsimile to 813-364-1830 and to Solomon Baggett, LLC by email to rsolomon@sb-law.com

/s/ Mary Beth Ausbrooks

Mary Beth Ausbrooks –CMK

TOTAL FIRST CLASS MAILINGS: 1 = \$1.00

TOTAL CERTIFIED MAILINGS: 0 = \$0.00

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:)		CASE NO:	15-05917
)		CHAPTER	13
Stacey Tindall)		JUDGE	Harrison
Erica Tindall)			
Debtor(s))			

AMENDED MONTHLY FAMILY BUDGET

Dates of Budgets:	<u>Prior Budget*</u>	<u>Current Budget*</u>
	<u>7/24/2018</u>	<u>9/14/2018</u>

EXPENSES

Rent/Mortgage Payment:		\$ 1,587.77	\$ 1,587.77
Utilities:	Prior*	Current*	
Electric, heat, natural gas:	\$ 300.00	\$ 325.00	
Water, sewer, garbage:	\$ 60.00	\$ 60.00	
Telephone, cell, internet, cable:	\$ -	\$ -	
Other:	\$ 400.00	\$ 435.00	
Other:	\$ -	\$ -	
Total Utilities:		\$ 760.00	\$ 820.00
Food:		\$ 1,200.00	\$ 1,300.00
Childcare/Education Costs:		\$ 250.00	\$ 250.00
Clothing / Laundry & Dry Cleaning:		\$ 250.00	\$ 250.00
Personal Care Products & Services:		\$ 200.00	\$ 200.00
Medical & Dental Expenses:		\$ 400.00	\$ 400.00
Transportation:		\$ 550.00	\$ 550.00
Entertainment/Recreation:		\$ -	\$ -
Charity:		\$ -	\$ -
Insurance (not deducted from wages):			
Auto:	\$ 280.00	\$ 280.00	
Life:	\$ -	\$ -	
Home:	\$ -	\$ -	
Renters:	\$ -	\$ -	
Other:	\$ -	\$ -	
Total Insurance:		\$ 280.00	\$ 280.00
Taxes (not deducted from wages):		\$ -	\$ -
Childrens' Education Costs		\$ 250.00	\$ 250.00
Home Maintenance:		\$ 100.00	\$ 100.00
Pet Expenses:		\$ -	\$ -
Car:		\$ -	\$ -
Other:		\$ -	\$ -
Other:		\$ -	\$ -
Other:		\$ -	\$ -
TOTAL MONTHLY EXPENSES:		\$ 5,827.77	\$ 5,987.77

INCOME

			<u>Prior Budget*</u>	<u>Current Budget*</u>
Debtor's Gross Income:			\$ 6,102.17	\$ 6,102.17
Spouse's Gross Income:			\$ -	\$ -
Payroll Deductions:	Prior*	Current*		
Payroll Taxes:	\$ 701.78	\$ 701.78		
401(k) contributions:	\$ 503.11	\$ 503.11		
Insurances:	\$ 379.38	\$ 379.38		
Union Dues:	\$ 44.42	\$ 44.42		
Total Payroll Deductions:			\$ 1,628.69	\$ 1,628.69
Other Regular Income:				
Support Alimony:	\$ -	\$ -		
Pension/SS/VA:	\$ 3,261.10	\$ 3,261.10		
Annuity:	\$ -	\$ -		
Total Other Regular Income:			\$ 3,261.10	\$ 3,261.10
TOTAL MONTHLY INCOME:			\$ 7,734.58	\$ 7,734.58

SUMMARY:

Total Monthly Income (from above):	\$ 7,734.58	\$ 7,734.58
minus Total Monthly Expenses (from page 1):	\$ (5,827.77)	\$ (5,987.77)
equals Monthly Surplus:	\$ 1,906.81	\$ 1,746.81

Monthly Plan Payment: \$ 1,746.18 \$ 1,746.18

Duration of Plan (months): 60 60

Dividend to Unsecured Creditors (%): 20% 20%

Secured Creditors Affected:

***Explain any increase or decrease in income, expenses, or dividend that exceeds 10%:**

/s/Stacey Tindall

STACEY TINDALL

September 14, 2018

(Date)

/s/Erica Tindall

ERICA TINDALL

September 14, 2018

(Date)